

# BakerHostetler

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August 11, 2021

## VIA ECF

The Honorable Lorna G. Schofield  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *United States Securities and Exchange Commission v. Qin, et al.*; No. 20-cv-10849  
(LGS)

Dear Judge Schofield:

We are counsel to Robert A. Musiala Jr., Esq., Court-appointed Receiver in the above-referenced matter. We write pursuant to Rule I.B.2 of Your Honor's Individual Rules and Procedures for Civil Cases to respectfully request an extension of 60 days to Friday, October 15, 2021 to file the Receiver's Second Quarterly Fee Application currently due on Monday, August 16, 2021. This is the Receiver's second request for an extension of time to file the Quarterly Fee Application. The Receiver's initial request was granted by the Court. Plaintiff Securities and Exchange Commission ("SEC") consents to this request.

Pursuant to the Order Appointing Receiver (the "Receiver Order"), "[w]ithin forty-five (45) days after the end of each calendar quarter, the Receiver and Retained Personnel shall apply to the Court for compensation and expense reimbursement from the Receivership Estates (the 'Quarterly Fee Applications')." <sup>1</sup> As evidenced by the Receiver's status reports to the Court, the Receiver has been working diligently to discharge his duties in a timely fashion in accordance with the Receiver Order and to maximize asset recovery, which will ultimately be returned to injured investors. The process of preparing invoices and the fee application on behalf of counsel to the Receiver and Retained Personnel is time consuming as the records to date are voluminous.

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<sup>1</sup> Order Appointing Receiver ¶ 52, *United States Securities and Exchange Commission v. Qin, et al.*; No. 20-cv-10849 (LGS) (S.D.N.Y. Jan. 21, 2021), ECF No. 31.

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Additional time is needed to review these records and prepare the Second Quarterly Fee Application for submission to the Court.

Additional time is also required because under the Receiver Order, “[a]t least (30) days prior to filing each Quarterly Fee Application with the Court, the Receiver will serve upon counsel for the SEC a complete copy of the proposed Application, together with all exhibits and relevant billing information in a format to be provided by the SEC staff.”<sup>2</sup> Under the “Billing Instructions for Receivers in Civil Actions Commenced by the U.S. Securities and Exchange Commission,” the SEC requires this time to review the application and may object to deviations and charges with which it does not agree. The Receiver has accounted for this 30-day requirement in his request for an extension of time. The Receiver anticipates that this process will continue to be refined and streamlined for subsequent applications.

We thank the Court in advance for its consideration of the Receiver’s request for an extension of time to file the Second Quarterly Fee Application.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Teresa M. Goody Guillén".

Teresa M. Goody Guillén

cc: All Counsel of Record (*via ECF*)  
Stefan Qin (*via email*)

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<sup>2</sup> *Id.*